

Notice of Allowability

Application No.

10/589,972

Applicant(s)

SOMOGYI, LASZLO

Examiner

Art Unit

Karl J. Puttlitz

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to claims filed 8/18/2006.
2. ☒ The allowed claim(s) is/are 7-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/18/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The claims cover a process for working up 4- β -sulfatoethylsulfonylaniline-2-sulfonic acid from a solution in aqueous sulfuric acid, which comprises

a first step of either precipitating the 4- β -sulfatoethylsulfonylaniline-2-sulfonic acid by addition of alkali metal, alkaline earth metal and/or ammonium salts, separating the precipitate from the solution and dissolving said precipitate in water, or precipitating the sulfuric acid by addition of calcium salts with the resulting calcium sulfate precipitate optionally being separated off,

and a second step of adjusting the resultant solution to a pH between 1 and 5 by addition of alkali metal, alkaline earth metal or ammonium hydroxide, carbonate, bicarbonate and/or acetate, with any calcium sulfate precipitate still present being separated off, and thereafter isolating the 4- β -sulfatoethylsulfonylaniline-2-sulfonic acid from the solution.

U.S. patent No. 3,900,510 to Fuchs et al. is the closest prior art and teaches a process for the preparation of 1-aminobenzene-4-vinylsulfone-2-sulfonic acid and the alkali metal salts thereof in which X stands for hydrogen, sodium or potassium, by treating a sulfato compound in an aqueous solution with a strongly alkaline agent and precipitating the acid as an inner salt by adding a mineral acid. An alkali metal salt of the sulfuric acid ester is dissolved in water and the pH of the solution is adjusted to a value of from 8 to 14, preferably from 11 to 13, by means of a strong inorganic base, preferably sodium hydroxide solution, see column 2, lines 53+. In this regard, Fuchs

fails to teach the required pH range, and those of ordinary skill would not expect that the recited pH range pH of between 1 and 5 would produce a predictable result, based on the disparity between the disclosed and claimed pH range.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday to Friday from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached at telephone number (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/589,972
Art Unit: 1621

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Karl Puttlitz/
Karl Puttlitz
Primary Examiner
Art Unit 1621*